

266 CMR 2.00: DEFINITIONS

2.01: Definitions

As used in 266 CMR 2.00 through 11.00, the following definitions shall apply:

~~Agent.— Seller's/owner(s) representative and/or person authorized to act on behalf of the seller/ owner(s) including a real estate broker or salesperson as defined in M.G.L. c 112, § 87PP.~~

Associate Home Inspector. ~~A person licensed pursuant to M.G.L. c. 112, § 223, conducting a Home Inspection of residential building(s) under the supervision of a licensed Home Inspector.~~ A person employed by a licensed Home Inspector to conduct home inspections of residential buildings under the supervision of a licensed Home Inspector who is licensed pursuant to this Chapter.

~~Attic Space.— The unfinished space between the ceiling joists of the top story and the roof rafters.~~

Automatic Safety Controls. Devices designed and installed to protect systems and components from unsafe conditions.

~~Architectural Services.— As defined in M.G.L. c. 112, §§ 60A through 60O (architect's license required).~~

~~Architectural Study.— A study requiring Architectural Services.~~

~~Basement/Cellar.— That portion of a Dwelling that is partly or completely below grade.~~

Board. The Board of Registration of Home Inspectors established pursuant to M.G.L. c. 13, § 96.

~~Branch Circuit.— The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).~~

~~Buyer's Broker.— A real estate broker or salesperson, as defined in M.G.L. c 112, § 87 YY½, who has a written contractual agreement or a written agency disclosure between the buyer and the real estate broker specifying that the real estate broker is acting exclusively for the buyer as a buyer's broker.~~

Central Air Conditioning. A system that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical convenience outlet.

Client. A person who engages the services of a Home Inspector for the purpose of obtaining inspection of and a written Report On the condition of a Dwelling and/or Residential

Building(s).

~~Component. A Readily Accessible and Observable element comprising a part of a system and which is necessary for the safe and proper function of the system.~~

~~Conditioned Surface. The surface of the floor and/or ceiling that is being mechanically cooled and/or heated.~~

~~Continuing Educational HoursCredits. Formal coursework covering the elements directly related to the inspection of homes and/or commercial buildingsresidential buildings. One contact hour shall equal one credit.~~

Continuing Education Program. Formal presentation such as a lecture or interactive session with specified learning objectives at which Registrants can earn Continuing Education ~~Credits~~ Hours approved by the Board based on criteria set forth in 266 CMR 5.00 *et seq.*

Contract. The written agreement between the Client and the Home Inspector, which spells out the responsibilities and duties of each party and the fee to be paid for the inspection.

Cross Connection. Any physical connection or arrangement between potable water and any source of contamination.

~~Dangerous or Adverse Situations. Situations that pose a threat of injury to the Inspector's health and welfare as determined by the Inspector.~~

Direct Supervision. Direct supervision means on-site and in-view observation and guidance of a supervisee who is performing an assigned activity during a Home Inspection.

Dismantle. To take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened that a homeowner in the course of normal household maintenance would not dismantle other than the electrical panel cover(s).

Division. The Division of Professional Licensure.

~~Dwelling. A house, townhouse, condominium, cottage, or a Residential Building containing not more than four dwelling units under one roof.~~

Educational Training CreditsHours. Formal coursework covering the elements of the fundamentals of Home Inspection. ~~One contact hour shall equal one credit.~~

~~Provider. A person approved by the Board to offer training and/or continuing education creditshours.~~

Electrical Services. As defined in M.G.L. c. 141, M.G.L. c. 148, §§ 10D and 10E, and 527 CMR 12.00 (electrician license required).

Engineering Services. ~~As defined in M.G.L. c. 112, §§ 81D through 81T. (Engineering license required).~~

Engineering Study. ~~A study requiring Engineering Services.~~

Environmental Services. ~~Services that require physical samples to be taken and analyzed by a laboratory to determine the type of and presence of contaminants and/or organic compounds and as defined in M.G.L. c. 112, §§ 81D through 81T and § 87LL. (License required).~~

Exclusions. Those items that are not part of and/or included in the 266 CMR 6.00: *Standards of Practice* and are to be provided by other specialists of the Client's choice. However, they may be included in the inspection as part of Optional Fee Based Services as outlined in 266 CMR 6.07.

Fee Paid Inspection. ~~A Home Inspection carried out in accordance with 266 CMR 6.04 for which the Client pays a fee and receives a Report.~~

Feeder. ~~All circuit conductors between the service equipment, the source of a separately derived system, or other power supply source and the final branch circuit overcurrent device.~~

Fully Depreciated. ~~Item/System inspected is no longer under the manufacturer's warranty, and it is reaching the end of its serviceable life. The Item/System/Component has no dollar or salvage value, and replacement should be anticipated.~~

Functional Drainage. A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow. A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Heating Services. ~~As defined in M.G.L. c. 148, §§ 10C and 10H, and 527 CMR 4.00: *Oil Burning Equipment*, plumber and electrician license required where applicable).~~

Home Inspection. ~~The process by which an Inspector, pursuant to the sale and transfer of a residential building, Observes and Reports On those systems and components listed in 266 CMR 6.00 et seq with the exception of the noted exclusions and prohibitions. The process by which a Home Inspector observes and provides, pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible components of a residential building: heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry structure, exterior and interior components and any other related residential housing components. A home inspection shall, at a minimum, conform with standards of practice promulgated by the Board.~~

Home Inspector. A person licensed pursuant to M.G.L. c. 112, § 222.

Household Appliances. Kitchen and laundry appliances, room air conditioners, and similar

appliances.

~~Identify. To name.~~

Indirect Supervision. The oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance to the Associate Home Inspector. These activities may include meeting with the supervisee; reviewing Reports prepared by the supervisee; reviewing and evaluating the supervisee's activities in connection with home inspections; and having supervisory conferences that may be conducted by telephone.

In Need of Repair. Does not adequately function or perform as intended and/or presents a Safety Hazard.

Installed. Attached or connected such that the installed item requires tools for removal.

Inspect/Inspected. To Observe the Readily Accessible systems or components as required by 266 CMR 6.04 *et seq.*

~~Inspector. A person licensed under M.G.L. c. 112, § 222 or 223.~~

~~Interior Wiring. Includes the exposed and Readily Observable Feeder and Branch Circuit wiring in the dwelling.~~

Mock Inspection. A Board approved simulated home inspection carried out for training purposes only ~~and there is no Client involved.~~

~~Normal Operating Controls. Homeowner Operated devices such as a thermostat or wall switches.~~

~~Note. Record in the Report.~~

Observable. Able to be observed at the time of the inspection without the removal of fixed or finished coverings and/or stored materials.

~~Observe. The act of making a visual examination.~~

~~On-site Water Supply Quality. The condition of the potable water based on an evaluation of its bacterial, chemical, mineral, and solids content.~~

~~On-site Water Supply Quantity. The volume of water available measured over a period of time.~~

~~Operate. To cause systems or equipment to function.~~

~~Optional Services. Optional fee based services, which are beyond the scope of the Home Inspection as defined by 266 CMR 6.00 *et seq.*~~

~~Plumbing Services.—As defined in M.G.L. c. 142 and 248 CMR 2.04 (plumber license required)~~

Primary Windows and Doors. Windows and exterior doors that are designed to remain in their respective openings year round.

Provider. A person approved by the Board to offer training and/or continuing education hours.

Readily Accessible. Capable of being reached quickly for visual inspection without requiring the Inspector to climb over or remove any personal property, to dismantle, to use destructive measures, to resort to portable ladders and/or any action which will likely involve risk to persons or property.

Readily Operable Access Panel. A panel provided for homeowner inspection and maintenance, which has removable or operable fasteners or latch devices in order to be lifted, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. (The panel must be within normal reach and not blocked by stored items, furniture or building components.)

Readily Observable Signs. Conditions of deterioration on the surface including, but not limited to: water stains, wood destroying fungi, insect infestation and deterioration suggesting the potential for concealed damage.

Recreational Facilities. Whirlpools, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other entertainment or athletic facilities.

~~Registered Professional Home Inspector.—A Registrant (person) licensed pursuant to M.G.L. c. 112, § 222, by the Division of Professional Licensure.~~

Registrant. “Register”, “Registered”, “Registrant”, and “registration” shall be used interchangeably with the words “license”, “licensed”, “licensee”, and “licensure”.

~~Repair.—All repairs, when implemented by the buyer, seller, and/or homeowner shall comply with applicable requirements of the governing codes and sound construction practices.~~

Report. A written document setting forth findings of the Home Inspection unless otherwise specified in 266 CMR 2.00.

Report On. A written description of the condition of the systems and components observed. (The Inspector must state in his or her Report whether the System or Component has Readily Observable Signs indicating that it is need of repair or requires further investigation.

~~Representative Number.—For multiple identical components such as windows, doors and~~

~~electrical outlets, etc. one such component per room.~~

Residential Building. A structure consisting of one to four dwelling units, ~~under one roof.~~

~~**Roof Drainage Systems.** Gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a dwelling or residential building.~~

Safe Access. Access free of any encumbrances, hazardous materials, health and Safety Hazards such as climbing and/or standing on anything other than the ground and/or floor which may jeopardize the Inspector as determined by the Inspector.

~~**Safety Glazing.** Tempered glass, laminated glass, or rigid plastic.~~

Safety Hazard. A condition in a Readily Accessible installed system or component, which is judged by the Inspector to be unsafe, or of significant risk of personal injury during normal day-to-day use. (The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standards.)

~~**Seller/Seller's Representative.** The owner of the property or one legally authorized to act on behalf of the owner such as an administrator, executor, guardian, or trustee, whether or not a natural person or Agent representing the seller.~~

Shut Down. A piece of equipment or a system is shut down when the device or control cannot be Operated in a manner that a homeowner should normally use to Operate it. (Inspectors are prohibited from operating the equipment or system).

Solid Fuel Heating Device. Any wood, coal, or other similar organic fuel-burning device including, but not limited to, fireplaces (whether masonry or factory built), fireplace inserts, stoves, central furnaces, and any combination of these devices.

~~**Structural Component.** A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).~~

Sufficient Lighting. Fully lighted with a minimum of 50-lumens in all areas to be inspected.

Supervisor. The licensed Home Inspector, approved by the Board and designated to oversee and supervise the training of an Associate Home Inspector and/or Trainee.

System. A combination of interacting or interdependent components assembled to carry out one or more functions.

Technically Exhaustive. An inspection is technically exhaustive when it involves the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Trainee. A person in the Associate Home Inspector Training Program for the purpose of

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meeting the requirements of M.G.L. c. 112, § 223 to qualify for licensure as an Associate Home Inspector.

~~Under Floor Crawl Space. The under floor space between the bottom of the floor joists and the earth or floor under any Dwelling and/or Residential Building.~~

REGULATORY AUTHORITY

266 CMR 2.00: M.G.L. c. 13, § 96 and M.G.L. c. 112, §§ 221 through 226.